

20A-1-503 Midterm vacancies in the Legislature.

- (1) As used in this section:
 - (a) "Filing deadline" means the final date for filing:
 - (i) a declaration of candidacy as provided in Section 20A-9-202; and
 - (ii) a certificate of nomination as provided in Section 20A-9-503.
 - (b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.
- (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.
- (3)
 - (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.
 - (b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.
- (4)
 - (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:
 - (i) establish a date, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:
 - (A) a declaration of candidacy; or
 - (B) a certificate of nomination; and
 - (ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):
 - (A) on the lieutenant governor's website; and
 - (B) to each registered political party.
 - (b) A person intending to obtain a position on the ballot for the vacant office shall:
 - (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and
 - (ii) run in the regular general election if:
 - (A) nominated as a party candidate; or
 - (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
 - (c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after the third Saturday in April and before August 31 of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor by August 30 for placement on the regular general election ballot.
- (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Amended by Chapter 327, 2011 General Session
Amended by Chapter 340, 2011 General Session